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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,300	09/15/1999	MARKO VALO	442-008869-U	8581

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PERMAN & GREEN  
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FAIRFIELD, CT 064306232

EXAMINER
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LEE, JUSTIN YE

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PAPER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/397,300  
Filing Date: September 15, 1999  
Appellant(s): VALO ET AL.

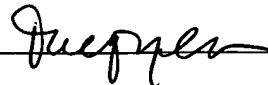
Joseph V. Gamberdell, Jr.  
For Appellant

**Reply Brief Noted**

This is in response to the reply brief filed 11/29/2006 appealing from the Examiner's Answer mailed 9/29/2006.

**(1) Response to Argument**

Regarding the USC 112, second paragraph rejection, the appellant states, that the phrase has been amended to recite – in <u>a</u> data terminal equipment – as suggested by the Examiner.	The Examiner agrees to the appellant's argument on the USC 112, second paragraph rejection. Therefore, the USC 112, second paragraph rejection is withdrawn.
Regarding the Snowden reference, appellant further states, Snowden does not teach that the optimum bit rate indicator 460 is used to indicate whether a flow control in data terminal equipment is active or inactive.	In contrast to appellant's assertions, this particular argument was responded in the last Examiner's Answer mailed on 9/29/2006. That the rate indicator 460 does indicate whether a flow control in a data terminal equipment is active (when the rate indicator 460 indicates to change the rate from 25000 bps to 50000 bps when the rate is originally at 25000 bps) or inactive (when the rate indicator 460 indicates to change the rate from 25000 bps to 25000 bps while the rate is originally at 25000 bps).
Regarding appellant's argument on USC 103 (a) rejection to claims 13, 14, 16, and 18.	In response to appellant's assertions, since the rejection of the independents claims 12 and 15 stands, the USC 103 (a) rejection to claims 13, 14, 16, and 18 stands.

  
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